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Trends and rationale for the conclusion of a nuclear deal project in Iran for peace and security in the Middle East

Jenifer Howell, Ph.D in international law, US

Abstract: This paper aims to investigate the nuclear program as well as the national security interests of the US in the Middle East. The requests for a nuclear deal go back from the end of the decade of 1970 towards paths of discussion, negotiations and efforts revealed not fruitless many times. The deal for the US, Iran and for other states in the region thus risk an escalation that goes beyond the borders of the Middle East. The reduction of the risks of proliferation and worsening of the conflict in the region pushes the US to renew and conclude a new deal with Iran. Being

part of a group of states that collaborate for common goals as part of an international organization that calls Iran to be part of an agreement. Congress asserts its authority relative to the resolution on the part of the US, therefore, nuclear agreements are not binding to ensure a long term stability. The situation of the nuclear program in Iran seems very complicated and unfortunately outside, sometimes, of the rules of international law.

Keywords: nuclear weapons; AEOI; IAEA; JCPOA; INARA; SCO; BRICKS; international diplomacy; international law; international peace; Congress; American administration.

Introduction

After the various attacks that occurred during June 2025 in various cities near Iran, it is necessary to investigate the nuclear agreement in Iran. Already since 2024, the nuclear activity programs were not transparent within the framework of the International Atomic Energy Agency (IAEA). One can

immediately notice the declarations of the Atomic Energy Organization of Iran (AEOI) and its representative Ali Akbar Salehi, who stated the relevant thresholds of nuclear science and technology.[1]

As a result, we have immediately started the construction of additional nuclear power plants in February 2024 (AP, 2024). Iran has started to increase its stockpiles of enriched uranium which exceeded 60%, that is, below the level of necessary purity for a nuclear weapon (Landale, 2024; Sanger, 2024; Ward, Norman, 2024; Lewis, 2024; Davenport, 2025).[2]

Such efforts were based on the expansion of the nuclear program

1Designation of the Atomic Energy Organization of Iran, Its Head Ali Akbar Salehi and Renewing Nuclear Restrictions, U.S. Department of State (31 January 2020), https://2017-2021.state.gov/designation-of-the-atomic-energy-organization-of-iran-its-head-ali-akbar-salehi-and-renewing-nuclear-restrictions Accessed on 10.06.2025.

2Joint Statement on the Latest Iranian Nuclear Steps Reported by the IAEA, U.S. Department of State (28 December 2023), https://www.state.gov/joint-statement-on-the-latest-iranian-nuclear-steps-reported-by-the-iaea. Accessed on 10.06.2025.

(Davenport, 2022a) since the US ceased its participation in the Joint Comprehensive Plan of Action (JCPOA) which allowed Iran to expand its nuclear program but also to violate the limits imposed by JCPOA, thus allowing IAEA monitoring and access to its facilities (Cole, Atwood, 2019; Kerr, 2022; Davenport, 2024a).

Iran also reduced its participation in other international legal frameworks related to the regulation of its nuclear program (Reuters, 2021; Liakopoulos, 2022).[3] The renewal of the nuclear agreement with Iran was intensified after the cessation of the participation of the US and the agreement with the former President Biden (Goldsmith, 2023).[4]

The conclusion of this agreement seems doubtful due to the

3Iran and the Additional Protocol, Center for Arms Control and Non-Proliferation: https://armscontrolcenter.org/wp-content/uploads/2015/07/Iran-additional-protocol-1.pdf . Accessed on 10.06.2025.

4Why the United States Should Reenter the JCPOA. Center for arms control and non-proliferation (9 February 2021): https://armscontrolcenter.org/why-the-united-states-should-reenter-the-jcpoa. Accessed on 10.06.2025.

progress made by Iran in its nuclear program (White House, 2016; Westra, 2017, Ross, 2022; Williams, 2022).[5]

The US re-entry into the JCPOA resulted in Iran being able to pursue a nuclear weapon after 2030 except that it made a political choice due to its high cost (Ross, 2022).

Iran's nuclear activities as well as its compliance with other legal aspects before and after the JCPOA were based on a new nuclear deal with Iran to play a central role that ultimately limits Iran's nuclear program (Buchhold, 2022). A program that imposed constraints on various aspects and Iran's nuclear efforts that mandates monitoring of nuclear efforts.

The Iranian nuclear deal establishes the charters of diplomacy, multilateral cooperation and de-exclusiveness (Davenport, 2022b). Iran has sought minimal participation within international legal frameworks that marginalize the relative

5Fact Sheet: The Iran Deal, Then and Now. Center for arms control and non-proliferation (10 March 2021), https://armscontrolcenter.org/the-iran-deal-then-and-now; JCPOA Five Years Later: Alternatives, IRAN Primer (3 May 2023), https://iranprimer.usip.org/blog/2023/may/03/jcpoa-five-years-later-alternatives. Accessed on 10.06.2025.

benefits of social cooperation with its membership (Hathaway, Shapiro, 2011).

Iran's isolation from international and regional diplomacy for many years and especially after the 1979 revolution was a reality (Vatanka, 2015; Fathollah-Nejad, 2019; Al-Sulami, 2019; Erdbrink, 2019; Khalaji, 2022; Mehta, 2022; Reuters, 2023).

Iran has sought to retaliate and regain a leading position in the region (Osman, 2017). Efforts in engagement and increased participation in international organizations suggested a varied effort in integration and participation in the world order (Al Jazeera, 2022; Voice of America, 2023).[6]

The regional de-escalation between Saudi Arabia and Iran as an ally of the US and a nuclear competitor, implied Iran to be willing as well as to constrain its nuclear program through

6Political and Peacebuilding Affairs, Comment to Shanghai Cooperation Organization, United Nations: https://dppa.un.org/en/shanghai-cooperation-organization#:~:text=The%20SCO%20currently%20comprises%20eight,Cambodia%2C%20Nepal%2C%20Sri%20Lanka%20and. Accessed on 10.06.2025; UAE-US Cooperation, Embassy of the United Arab Emirates, Washington DC, https://www.uae-embassy.org/uae-us-cooperation. Accessed on 10.06.2025

restrictions in negotiations thus improving its relations with other countries (Nava, 2023).[7]

Iran has sought to normalize its relations with Saudi Arabia and advance its nuclear program, as a weapon that scares neighboring states. The benefits of the multilateral agreement were suspended as the US and Iran reinstated a nuclear deal due to the lack of trust between their neighboring states (Hafezi, 2023).

The conclusion of a new agreement, as a binding instrument, could not completely alleviate Tehran's concerns about Washington's ability to unilaterally withdraw (Rubin, 2018; Rennack, 2020; Pickering, 2020; Bradley, Goldsmith, Hathaway, 2023).

7Saudi Arabia: Country Spotlight, NTI, https://www.nti.org/countries/saudi-arabia. Accessed on 10.06.2025; Nuclear Power in the United Arab Emirates, World Nuclear Association (March 2024), https://world-nuclear.org/information-library/country-profiles/countries-t-z/united-arab-emirates.aspx. Accessed on 10.06.2025; Nuclear Power in Saudi Arabia, World Nuclear Association (March 2024), https://world-nuclear.org/information-library/country-profiles/countries-o-s/saudi-arabia.aspx. Accessed on 10.06.2025;

The proposals and concerns about the ability of Congress to apply sanctions were a reality. The US concluded a new non-binding political agreement with Iran thus also sanctioning the resolution of the Security Council of the UN (Weybrecht, 2015; Golove, 2015; Bellinger III, 2015; Chachko, 2018; Masumy, 2022).

At the same time, the Congress advanced the Iran Nuclear Agreement Review Act (INARA) of 2015. Its scope was to provide mechanisms to oversee the president's ability to terminate his participation in a nuclear deal with Iran, as well as his ability to revoke and reimpose sanctions.[8]

The INARA amendment signaled non-binding US political commitments (Bellinger III, 2018; Razipour, 2023).[9] This

8S. 516, 114th Cong. (2015); S.C. Res. 2231 (July 20, 2015); Joint Statement on UN Security Council Resolution 2231 Transition Day, U.S. Department of State (18 October 2023), https://www.state.gov/joint-statement-on-un-security-council-resolution-223-transition-day. Accessed on 10.06.2025.

9Report: Legality of Withdrawing From Nuclear Deal, Iran Primer (5 April, 2018), https://iranprimer.usip.org/blog/2018/apr/05/report-legality-

increased the control of Congress over the executive branch and especially over the foreign affairs and national security sector (Harrison, 2017; Alter, 2018; Peterson, 2019). Therefore, in February 2024, the US conducted attacks against groups that were supported by Iran and especially after the attack that killed American soldiers (Clark, 2024).

The US conducted strikes in response to Houthi targets in Yemen and Iranian-backed Houthis threatening Red Sea vessels (Garamone, 2024).[10] Tensions had increased between the US and Iran. There was an escalation between various actors in the Middle East.[11] The Houthis later exchanged attacks with Israel (Reuters, 2023; Nerea, 2023; Todd Lopez, 2024; Schuetze, 2024;

withdrawing-nuclear-deal. Accessed on 10.06.2025;

10Iran: Enabling Houthi Attacks Across the Middle East, Defense Intelligence Agency (February 2024), https://www.dia.mil/Portals/110/Documents/News/Military_Power_Publications/Iran_Houthi_Final2.pdf. Accessed on 10.06.2025

11UN Rights Chief Adds Voice to Urgent Calls for Middle East de-escalation, United Nations (2 October 2024), https://news.un.org/en/story/2024/10/1155251. Accessed on 10.06.2025.

Haid, 2024; Montamedi, 2024; Kershner, Naar, 2024) which found itself at war with Lebanon as well as with Gaza and Hamas (Skare, 2023; BBC, 2024; Vergun, 2024; BBC, 2024).

The concerns are transformed into a regional war (Bergen, 2024). US' attempt, in concluding a new nuclear agreement to restore the existing one with Iran and reduce the ongoing regional tensions, has encountered problems and continued tensions (Sonnenfeld, Boehler, 2023).[12]

Pre-JCPOA. A legal framework regulating Iran's nuclear program

Iran's nuclear program has a long history that dates back to the

12Saudi Arabia: Country Spotlight. National Threat Institute: https://www.nti.org/countries/saudi-arabia. Accessed on 10.06.2025; Nuclear Power in the United Arab Emirates, World Nuclear Association (March 2024), https://world-nuclear.org/information-library/country-profiles/countries-t-z/united-arab-emirates.aspx. Accessed on 10.06.2025; Nuclear Power in Saudi Arabia. World Nuclear Association (March 2024), https://world-nuclear.org/information-library/country-profiles/countries-o-s/saudi-arabia.aspx. Accessed on 10.06.2025;

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former President Dwight Eisenhower, who launched the Atoms for Peace program (Rowberry, 2013).

In 1957 after about two years of negotiations the US and Iran signed a cooperation agreement that covers the civilian use of atomic energy (Kibaroglu, 2007; Milani, 2010).[13]

Iran established the Tehran Nuclear Research Center. In 1967 the US provided Iran with a nuclear research reactor and with enriched uranium. Iranian students traveled to attend universities in Western Europe and America and Iran established research departments for nuclear technology. Thus, the nuclear industry was fully entitled to build 20 nuclear reactors over the next 20 years envisaging Iran having an installed nuclear capacity of 10,000 megawatts by 1990. In 1974, it was also established the AEOI to oversee Iran's nuclear program (Kibaroglu, 2007; Milani, 2010; Rowberry, 2013).[14]

13Despatch From the Embassy in Iran to the Department of State. Office of the Historian (11 March 1957), https://history.state.gov/historicaldocuments/frus1955-57v12/d393 Accessed on 10.06.2025.

14Atomic Energy Organization of Iran (AEOI), NTI (8 June 2023),

Nuclear power evolved simultaneously with the initiation of legal frameworks regulating nuclear issues. Iran was among the first signatories of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which was ratified by the Iranian Majlis and came into force in 1970 (Liakopoulos, 2022).

The objectives of the NPT were to prevent the spread of nuclear weapons and technology as well as to promote cooperation in the peaceful uses of nuclear energy, thereby achieving nuclear and general disarmament in a comprehensive manner.

The NPT was the only multilateral treaty that called for a binding commitment to disarmament. It allowed both nuclear-weapon states and non-nuclear-weapon states to join the treaty.[15] After the NPT Tehran concluded other nuclear cooperation agreements with countries and international organizations (Kibaroglu, 2007;

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https://www.nti.org/education-center/facilities/atomic-energy-organization-of-iran-aeoi/. Accessed on 10.06.2025.

15U.N. Office for Disarmament Affairs, Treaty on the Non-Proliferation of Nuclear Weapons, https://disarmament.unoda.org/wmd/nuclear/npt. Accessed on 10.06.2025.

Milani, 2010).[16] After the agreement concluded with IAEA Iran accepted the guarantees for the NPT (Adler, 2012; White House, 2023).[17]

Iran's interest was to create a nuclear weapon. This worried the US. The latter has tried to impose bilateral, international guarantees with the Iranian program since Iran was an ally of the US at that historical moment.

Iran was willing to allow American control over its program and negotiations to reach a positive point.

The administration of former President Jimmy Carter convinced Iran to stop other plans related to plutonium production, as a key step to demonstrate its lack of ambition in the nuclear weapons sector (Kibaroglu, 2007; Milani, 2010; Grossi, 2020; Rowberry,

16The Nuclear Non-Proliferation Treaty (NPT), 1968. Office of the Historian, https://history.state.gov/milestones/1961-1968/npt. Accessed on 10.06.2025.

17International Atomic Energy Agency [IAEA], Agreement Between Iran and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons, IAEA Doc. INFCIRC/214 (13 December 1974).

2013).

(Follows): The situation after the revolution

As it was obvious the nuclear programs after the Iranian revolution followed other paths. The relations with the US were not the same as in the past and especially for the supply of highly enriched uranium (Kibaroglu, 2007; Milani, 2010; Rowberry, 2013).

The new government, through the leadership of ayatollah Ruhollah Khomeini, stopped the work for the nuclear program since it persecuted a different similar program (Milani, 2010). The main projects were cancelled and left as inactive since the program continued until the end of the eighties (Kibaroglu, 2007; Milani, 2010; Rowberry, 2013; Malus, 2018; Ghazvinian, 2021).[18]

Iran also expanded nuclear cooperation with China, the Soviet

18Iran Military Power, Defense Intelligence Agency (2019), https://www.dia.mil/Portals/110/Images/News/Military_Powers_Publications/Iran_Military_Power_LR.pdf. Accessed on 10.06.2025.

Union and Pakistan as well as with other countries.[19] The related Chinese assistance to Iran was through the supply of enrichment material. The Russian-Iranian nuclear cooperation included training and construction of technology for the construction of the Arak heavy water reactor (Vakil, Quilliam, 2019).

Iran sought to develop a nuclear program and also pursue a nuclear weapons program, namely the Amad plan. A project that involved the acquisition and production of nuclear material for military purposes through nuclear weapon components as well as a planning for the construction of a unique nuclear weapon (Malus, 2018).

Iran had a uranium enrichment plant in Natanz and a heavy water production plant in Arak. It was already in 2003 that Iran stopped its nuclear weapons program again by announcing the suspension of its declared uranium enrichment program.

Tehran signed the Additional Protocol and the Safeguards Agreement of IAEA in the same year but without ratifying it

19Wisconsin Project on Nuclear Arms Control, Explainer: Iran's Centrifuges, Iran Primer (11 January 2023).

(Vakil, Quilliam, 2019). The Additional Protocol thus provided for an access information to the IAEA through verification efforts from the nuclear activities of the states.[20]

Iran did not agree to conclude such an agreement.[21] Iran as well as countries such as Germany, United Kingdom and France signed the Paris Agreement of 2004, as a voluntary confidence-building measure for a non-legal obligation through Tehran which was committed to respect the NPT and to confirm not to seek to acquire nuclear weapons by affirming the continuation of the Additional Protocol.[22]

20Iran and the Additional Protocol, op. cit., Additional Protocol, International Atomic Energy Agency: https://www.iaea.org/topics/additional-protocol#:~:text=The%20Additional%20Protocol%20is%20not,States%20with%20comprehensive%20safeguards%20agreements. Accessed on 10.06.2025.

21Iran and the Additional Protocol, op. cit.

22Communication Dated 26 November 2004 Received from the Permanent Representatives of France, Germany, the Islamic Republic of Iran, and the United Kingdom concerning the Agreement Signed in Paris on 15 November 2004. International Atomic Energy Agency (26 November 2004),

The relative failure of negotiations with the above-mentioned countries, which were part of the E3 group of countries after the election of Iranian backer Mahmoud Ahmadinejad, have hindered related efforts to bring the Iranian program into compliance with existing international legal frameworks (Collins, Rojansky, 2010; Vakil, Quilliam, 2019).

Iran began enriching uranium between 2005 and 2006 and voluntarily withdrew from the Additional Protocol, announcing its intention to build nuclear facilities capable of housing more than 2,500 centrifuges (Chubin, 2010; Collins, Rojansky, 2010; Malus, 2018; Vakil, Quilliam, 2019).[23].

Deteriorating production commitment to Iran's nuclear program led the IAEA to bring the Iranian case to the Security Council of the UN and to pass a series of resolutions.[24] Resolutions that

https://www.iaea.org/sites/default/files/publications/documents/infcircs/2004/infcirc637.pdf. Accessed on 10.06.2025.

23Iran and the Additional Protocol, op. cit.

24U.N. Security Council, https://www.un.org/securitycouncil/content/2231/background. Accessed on 10.06.2025; S.C. Res. 1696 (31 July 2006); S/RES/1996 (2006), U.N.

addressed Iran's nuclear efforts and imposed a bilateral arms embargo on Iran (Albright, Shire, 2008; Davenport, 2022c).[25]

Such measures were, therefore, insufficient to prevent Iran's nuclear efforts. Tehran has inaugurated a heavy water production plant in Arak and also expanded operations at the Fordow enrichment plant, aiming to accelerate enrichment activities.

With the election of the former President Barack Obama, a new era began with the aim of limiting Iran's nuclear program (Friedman, 2015; Beauchamp, 2015).[26]

Security Council,https://www.un.org/securitycouncil/s/res/1696-%282006%29. Accessed on 10.06.2025; S/RES/1737 (2006), U.N. Security Council, https://www.un.org/securitycouncil/s/res/1737-%282006%29. Accessed on 10.06.2025.

25S/RES/1747 (2007), U.N. Security Council, https://www.un.org/securitycouncil/s/res/1747-%282007%29. Accessed on 10.06.2025; S.C. Res. 1696 (31 July 2006); S.C. 1737 (23 December 2006); S.C. Res. 1747 (24 March 2007); S.C. Res. 1803 (3 March 2008); S.C. Res. 1835 (27 September 2008); S.C. Res 1835 (27 September 2008).

26Friedman affirmed that: "(…) extension of an Iran policy that began under (…) Bush administration offered to negotiate directly with Iran over its nuclear program in 2006 (…) the relaxation of existing economic

During Obama's presidency, an involvement was sought through sanctions and endless isolation of the country (Firedman, 2015). The related negotiations between the P5+1, as well as the permanent members of the Security Council, namely Russia, France, US, UK and China as well as Germany have built a path of diplomacy since 2009 (Vakil, Quilliam, 2019).[27]

In the years following the JCPOA, Iran has not stopped its nuclear efforts. In February of 2010 Iran announced the production of enriched uranium, up to 20% in Natanz (Siddique, 2010; Albright, 2010).

In 2011 the former head of AEOI claimed that Iran was installing centrifuges at an enrichment plant in Fordow seeking to triple its

sanctions and active international support for a truly peaceful civilian nuclear program in exchange for clear limits on Iran's ability to push toward a bomb (…)".

27Current Members: Permanent and Non-Permanent Members, U.N. Security Council: https://www.un.org/securitycouncil/content/current-members#:~:text=PERMANENT%20AND%20NON%2DPERMANEN%20MEMBERS&text=Five%20permanent%20members%3A%20China%2C%20France,Guyana%20(2025). Accessed on 10.06.2025.

production of low enriched uranium (Albright, Brannan, Stricker, 2011). Iran in 2012 significantly increased its production of low enriched uranium (Pearse, 2012).[28]

The former President Obama followed a global approach to try to limit Iranian actions towards increasing production of enriched uranium through sanctions against Iran and executive orders, that is, to apply ad hoc sanctions due to non-compliance with international restrictions on the nuclear program (Colvin, 2010; White House, 2012).[29]

The US administration first used sanctions against Iran in 2010, to be able to put them at the negotiating table (Bartlett, Ophel, 2021; Moeher, 2018; Nephew, 2024).[30] On the other hand,

28IAEA: Iran Ready to Sharply Increase Nuclear Work, Jerusalem Post (16 November 2012), https://www.jpost.com/iranian-threat/news/iaea-iran-ready-to-sharply-increase-nuclear-work. Accessed on 10.06.2025.

29S.C. Res. 1929 (9 June 2010). S/RES/1929 (2010), U.N. Security Council: https://www.un.org/securitycouncil/s/res/1929-%282010%29. Accessed on 10.06.2025;

30Center on Global Energy Policy, Brief History of US Sanctions on Iran. Columbia (21 July 2017),

President Ahmadinejad from Iran highlighted that the sanctions were the most severe ever existed on his country and were also outside the framework of the UN since the US collaborated with other countries to be able to impose financial restrictions on various sectors in Iran.

The accumulation of unilateral sanctions from the US and multilateral international nature against Iran led the country outside the international financial system.

The Obama administration served as the basis of a broader strategy to force Iran to comply with international agreements and related restrictions on its nuclear program by reaching a multilateral agreement.[31]

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https://www.energypolicy.columbia.edu/publications/brief-history-us-sanctions-iran. Accessed on 10.06.2025. "(…) new, secondary sanctions on Iran, Iran and the United States negotiated the "Joint Plan of Action" and subsequently the JCPOA (…) additional secondary sanctions targeting Iran's energy sector and broad multilateral support, these financial sanctions succeeded in bringing Iran to the negotiating table (…)".

31Fact Sheet: Sanctions, op. cit., Full text: Obama Gives a Speech About the Iran Nuclear Deal, Washington Post (5 August 2015),

The P5+1 as well as the change in power through the election of Hassan Rouhani in 2013 moved forward the negotiations (Vakil, Quilliam, 2019). In 2013, Iran and the P5+1 group agreed to reach a Joint Plan of Action through an Interim Agreement (Davenport, 2022c).

Under this agreement, Iran met its obligations by deactivating the centrifuge cascade configuration that Iran used to produce hexafluoride gas with enriched uranium that reached 20%. Iran provided the IAEA with related nuclear information and activities, allowing for greater access to the IAEA and its facilities. In return, Iran was granted limited sanctions relief and access to frozen assets.

What was the JCPOA?

The Joint Comprehensive Plan of Action (JCPOA) was signed in 14 July 2015 by Iran, the P5+1 group and the EU. It was a step forward by the side of the International Atomic Energy Agency

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https://www.washingtonpost.com/news/post-politics/wp/2015/08/05/text-obama-gives-a-speech-about-the-iran-nuclear-deal. Accessed on 10.06.2025.

(IAEA). It was the Roadmap for the clarification of outstanding past and present issues concerning nuclear energy (Vakil, Quilliam, 2019; Bradley, Goldsmith, Hathaway, 2023; Goldsmith, 2023).[32]

The JCPOA was approved by the Security Council of the UN on 20 July 2015 through the Resolution 2231 of the Security Council (Vakil, Quilliam, 2019).[33] It used the provisions of 1696, 1737, 1747, 1803, 1835, and 1929 Resolution to endorse the JCPOA as well as implement the timetable established by it (Davenport, 2022c).[34] The resolution also imposed restrictions on

32Iran Military Power, op. cit., Iran Nuclear Agreement Review Act of 2015, Pub. L. No. 114-17, 129 Stat. 201 (codified in 42 U.S.C. § 2011 note and 42 U.S.C. § 2160e); S. Res. 615, 114th. Cong. (2015) (enacted). This followed the earlier announcement of the JCPOA "framework." Iran Military Power, op. cit.

33Resolution 2231 (2015) on nuclear issue: https://main.un.org/securitycouncil/en/content/2231/background. Accessed on 10.06.2025.

34S.C. Res. 2231, par. 1 (20 July 2015); United Nations Security Council (UNSC), NTI,

Iran's missile and conventional weapons programs.[35]

In 2016, Iran removed enriched uranium from its nuclear facilities and supply chain with the help of the JCPOA. It dismantled centrifuges that provided access to its nuclear facilities and supply chain.

In response, the US and the international community began to lift

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https://www.nti.org/education-center/treaties-and-regimes/un-security-council. Accessed on 10.06.2025.

35Iran Military Power, op. cit., Briefing with Senior State Department Officials on Diplomacy to Constrain Iran's Nuclear Program, U.S. Department of State (18 February 2021), https://www.state.gov/briefing-with-senior-state-department-officials-on-diplomacy-to-constrain-irans-nuclear-program. Accessed on 10.06.2025. "(…) endorsing the JCPOA, UNSCR 2231 also imposed restrictions on "Iranian imports and exports of conventional weapons" which expired in October 2020, and restrictions on "exports of missile-related items to Iran," which expired in October 2023 (…) attempted to pursue snapback procedures through UNSCR 2231 that would have reimposed sanctions on Iran. The legality of this move was debated since the United States was no longer a party to the JCPOA, and the effort was rejected by the UNSC. Joint Statement on UNSCR 2231 Transition Day, op. cit.

their sanctions on Iran (Mulligan, 2018).[36] The JCPOA was a comprehensive, precise program with many technical and legal aspects. The JCPOA sought to limit Iran's nuclear program in two specific and primary ways. The JCPOA required Iran to adopt measures to reduce its ability to produce nuclear material needed for a nuclear bomb. The provisions were based on achieving this goal, namely the dismantling of centrifuges and reduction of uranium stockpiles, as well as restrictions on enrichment levels.

Another important point had to do with inspections, verifications and monitoring.[37] Within the JCPOA the IAEA highlighted a

36The Historic Deal, op. cit.,: "(…) Implementation Day, President Obama issued an executive order revoking all or portions of five prior executive orders that imposed secondary sanctions on Iran." Since "[o]ther secondary sanctions were imposed on Iran by statute rather than through executive order" and thus "gave the President (…) authority to waive sanctions under certain conditions, [t]he Obama Administration first exercised the waiver authority on Implementation Day (…)".

37Iran Nuclear Agreement: The International Atomic Energy Agency's Authorities, Resources, and Challenges, U.S. Government Accountability

precise verification system, through surveillance and control chambers of nuclear material and equipment as well as the presence of Iran in IAEA.[38] Through the JCPOA Iran complied with the agreement.[39]

In January 2017, the IAEA confirmed that Iran removed its centrifuges and related infrastructure as excess at the Fordow fuel enrichment plant, in compliance with the commitments undertaken within the framework of JCPOA (Amano, 2017).

The JCPOA was a major program for Iranian nuclear verification (Amano, 2017) which defines the ICPOA as a substantial advantage for the combination of the Comprehensive Safeguards Agreement and the Additional Protocol and transparency measures that represent the most robust verification system in the world. The JCPOA thus led to a reduction in Iran's nuclear activities.

Office (9 June 2016), https://www.gao.gov/products/gao-16-565. Accessed on 10.06.2025.

38Verification and Monitoring in Iran, International Atomic Energy Agency, https://www.iaea.org/newscenter/focus/iran. Accessed on 10.06.2025.

39Fact Sheet: The Iran Deal, Then and Now, op. cit.

The additional protocol required Iran to submit a comprehensive declaration for its nuclear fuel cycle activities and also update the declarations for at least one year. Iran also accepted other restrictions, in this regard, making the IAEA a "lead actor" that monitors, controls Iran to comply with its restrictions.

In March 2018, the US ceased its participation in the JCPOA and IAEA confirmed that Iran has implemented its nuclear commitments (Gil, 2018; Dixit, 2018). Congress had, already, approved the INARA in 2015 due to the importance of JCPOA and the political opposition of its members to the agreement (Davenport, 2015).

In march 2018, the US ended its participation in the JCPOA and the IAEA confirmed that Iran has implemented its nuclear commitments (Gil, 2018; Dixit, 2018). The Congress had approved the INARA in 2015 due to the importance of the JCPOA and the political opposition of its members to the agreement (Davenport, 2015)[40]

40H.R. 1911, 114th Cong. (2015). Summary of the Atomic Energy Act, U.S. Environment Protection Agency (14 February 2024),

INARA gave Congress the authority to disapprove the related nuclear deal with Iran, as well as to provide a continuous review that complies with the agreement with Iran (Goldsmith, 2015; Siddique, 2010; Albright, 2010; Kerr, 2021; Goldsmith, 2023).[41] According to INARA the Congress retained the authority and reimposed sanctions on Iran for not complying with the nuclear deal (Goldsmith, 2023).[42]

https://www.epa.gov/laws-regulations/summary-atomic-energy-act#:~:text=The%20Atomic%20Energy%20Act%20(AEA,of%20the%20AEA%20has%20been. Accessed on 10.06.2025.

41Iran Nuclear Agreement Review Act of 2015, Pub. L. No. 114-17, 129 Stat. 201 (codified in 42 U.S.C. § 2011 note and 42 U.S.C. § 2160e); S. Res. 615, 114th. Cong. (2015). Goldsmith affirmed that: "(...) Congressional approval was not required since the United States viewed the nuclear deal with Iran in 2015 as a nonbinding agreement (…) Iran insisted that it was a binding agreement (…)".

42Iran Nuclear Agreement Review Act of 2015, Pub. L. No. 114-17, 129 Stat. 201 (codified in 42 U.S.C. § 2011 note and 42 U.S.C. § 2160e); S. Res. 615, 114th. Cong. (2015).

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Insufficient legal framework to limit the Iranian nuclear program

When talking about limiting a nuclear program and especially the Iranian one we refer to the cessation of JCPOA (Mulligan, 2018; Bradley, Goldsmith, Hathaway, 2023; Goldsmith, 2023).[43]

In particular, on 8 May 2018 the US ceased its participation in the JCPOA despite the relative lack of evidence from the side of Iran. The US reimposed sanctions that were lifted in time according to the spirit of the agreement (Trump, 2018; Dassa Kaye, 2018). It was the first presidency of Donald Trump who described the JCPOS as one of the worst and unilateral transactions that the US has ever entered into.

The Trump administration further outlined that the provisions were not permanent as the agreement did not cover certain Iranian military and regional activities (Beauchamp, 2018;

43Goldsmith affirmed that: "(…) the word "termination" instead of "withdrawal" since Washington characterized the JCPOA as a nonbinding rather than a legally binding agreement (…) the extent that there was "withdrawal" (...) Washington began reimposing sanctions which it had agreed to suspend as part of the JCPOA (…)".

Graham, 2020; Singh, 2021).[44] By ceasing their participation in the JCPOA, the US continued to grant the waivers as exemptions and ask the Europeans to immediately cease all economic activities with Iran.[45]

In April 2019, the US created the Islamic Revolutionary Guard Corps as well as not renewed the Significant Reduction Exceptions (SREs) that had expired in May 2019 (Di

44Beauchamp affirmed that: "(...) lack of permanence, what mechanisms would remain in place to constrain Iran's nuclear program after the provisions expired? My later incasting argument responds to this critique (…) is not unreasonable to argue that a comprehensive U.S.-Iran agreement that covers more than just nuclear issues is preferable for the countries to deescalate tensions across more than just one issue. However, an agreement that covers nuclear issues is certainly better than no agreement at all, and perhaps a successfully implemented nuclear agreement could be the springboard for a future comprehensive agreement (…) JCPOA was endorsed by UNSCR 2231 which imposed restrictions on Iran's military activities (…)".

45U.S. Ends Sanctions Waivers for Iran Nuclear Projects, IRAN Primer (1 June 2020), https://iranprimer.usip.org/blog/2020/may/27/us-ends-sanctions-waivers-iran-nuclear-projects. Accessed on 10.06.2025.

Christopher, 2019). Thus, any country that imported oil from Iran was seen by the US as a subject for applying sanctions (Di Christopher, 2019).

By May 2020 the US Secretary of State Mike Pompeo announced without justification the renewal of the related waivers.[46] The JCPOA had thus become an "empty problem" with no solution and no expectation for a future agreement.

Reactions

As it was obvious, the cessation of participation of the US in the JCPOA also led almost the entire world and especially the European partners to express their disappointment in this project as well as negative reactions against the American administration (Al Zajerra, 2018). It was now obvious that JCPOA was dead before it had even matured over time and brought forward specific objectives. UK, Russia, China, Germany remained

46U.S. Ends Sanctions Waivers, op. cit., "(…) United States did "issue a 90-day waiver for foreign companies working on the Bushehr Nuclear Power Plant (…)".

faithful to the project of JCPOA, considering it as an agreement that laid the foundations for future negotiations in order to reach another agreement for the Middle East.

Other countries not participating in the agreement expressed their restlessness regarding the position of the US on the matter. On the contrary, Israel and some Gulf states, not participating in the agreement, supported the decisional position of the US. At the time, Iranian President Hassan Rohani specified that Tehran wanted to negotiate with the parties that remained in the agreement trying to keep it alive (AlJazeera, 2018). As of March 2019, the IAEA has verified that Iran has continued to meet its commitments under the JCPOA (Amano, 2018; Amano, 2019).

Rouhani's position after the relevant resolution of the US was to observe the instruction of the Iranian Atomic Energy Organization and to take necessary measures for future actions thus resuming unlimited industrial enrichment.[47] Such a position foreshadowed the next steps of Iran to expand its nuclear

47Iran to Negotiate with World Powers to Keep Nuclear Deal in Place, supra note 128.

activities and violate the limits set by JCPOA.

In 2019, the Supreme National Security Council of Iran announced an order to stop measures against Iran according to the JCPOA (Amano, 2019). Between 2019 and 2020 Iran expanded its program through enrichment activities.

The IAEA found that natural uranium especially its particles were of anthropogenic origin at an undeclared location in Iran (Feruta, 2019).[48] Then, Iran conducted provocative maritime actions, namely it shot down American drones that seized a British oil tanker.[49]

National and international legality concerning JCPOA

The participation and implementation of JCPOA depended on the US that finalized its own agreement. The US considered that the JCPOA was a non-binding political agreement based on

48Timeline: Iran's Nuclear Program Since 2018, IRAN Primer (3 May 2023), https://iranprimer.usip.org/blog/2023/may/03/timeline-iran's-nuclear-program-2018. Accessed on 10.06.2025.

49Iran Military Power, op. cit.

voluntary measures. An agreement that was not signed anywhere and that did not contain provisions for its ratification and entry into force.

The American practice accepted its authority to enter into even unilaterally political agreements without the relative approval of the Senate and/or Congress that could also lead to the unilateral withdrawal of this type of agreement. According to international legality, ending the participation of the US in the JCPOA meant a consolidated practice. Resolution 2231 of the Security Council incorporated and approved the IJPOA.

The related observations argued that Resolution 2231 could, or rather should, convert even voluntary commitments of the JCPOA into binding obligations according to the UN Charter (IAEA, 2025).[50]

The related text revoked the previous UN sanctions that were

50IAEA, Board of governors, GOV/2025/24. Verification and monitoring in the Islamic Republic of Iran in light of United Nations Security Council Resolution, 2231 (2015), 31 May 2015: https://www.iaea.org/sites/default/files/25/06/gov2025-24.pdf. Accessed on 10.06.2025.

binding. The text regarding the US commitments to lift sanctions and to comply with the JCPOA was broad and less precise.

The American presumption against international agreements was self-enforcing. This meant that there was probably no internal and automatic legal mechanism by the US that would enforce compliance with the JCPOA (Mulligan, 2018; Liakopoulos, 2020).[51]

Terminating an agreement was for the US a challenge to resolve disputes through the JCPOA. Particularly, through the snapback procedures that were under a codification of the JCPOA in Resolution 2331 of the Security Council of the UN (Davenport, 2020; Katzman, 2020).[52]

In this regard, Art. 36 JCPOA established the procedure to resolve disputes in multiple stages invoking also a presumed default if the dispute remained unresolved after the related

51Medellin v. Texas, 552 U.S. 491 (2008); Avena and Other Mexican Nationals (Mex. v. U.S.) Judgment, 2004 I.C.J. 12 (31 March).

52Joint Comprehensive Plan of Agreement art. 36, 14 July 2015, https://2009-2017.state.gov/documents/organization/245317.pdf. Accessed on 10.06.2025; S.C. Res. 2231, par. 11-12, 36-37 (20 July 2015).

process. Furthermore, it could cease to fulfill its commitments and notify the Security Council of the UN for the relevant significant default.[53]

In this spirit, Articles 11 and 12 of Resolution 2231 of the Security Council and Art. 37 JCPOA established the snapback procedure based on the sanctions that were imposed for Iran (Rome, Dugit-Gros, 2022).[54]

Possibility of expansion of the Iranian nuclear program

The situation was complicated leading to many unresolved issues. It seems that the IAEA could play an important role in the growth of Iran's stockpiles of low-enriched uranium that had

53Joint Comprehensive Plan of Agreement art. 36, 14 July 2015, op. cit., Mulligan affirmed that: "(…) the reason for disagreements between parties to the JCPOA, the resolution encourages states to resolve them via the deal's dispute resolution mechanism before resorting to snapback (…)".

54Joint Comprehensive Plan of Agreement art. 36, 14 July 2015, https://2009-2017.state.gov/documents/organization/245317.pdf. Accessed on 10.06.2025; S.C. Res. 2231, par. 11-12, 36-37 (20 July 2015).

been pending (Grossi, 2020).[55]

The Iranian parliament passed a law in 2020 to be able to resume the percentage of immediate enrichment of uranium and also produce 120 kilograms of uranium within the year enriched to 20%.[56] It was the same law that provided for the limitation of nuclear inspectors of the UN and sanctions on banking and oil sectors in Iran arriving at the beginning of 2021 at a time when Iran increased the stockpiles of low-enriched uranium and planned and installed the related advanced centrifuges announcing the product of metallic uranium. Thus, in 2022, the ability of IAEA to control and monitor Iran as well as the

55Joint Statement by the Director General of the IAEA and the Vice-President of the Islamic Republic of Iran and Head of the AEOI. International Atomic Energy Agency (26 August 2020), https://www.iaea.org/newscenter/pressreleases/joint-statement-by-the-director-general-of-the-iaea-and-the-vice-president-of-the-islamic-republic-of-iran-and-head-of-the-aeoi. Accessed on 10.06.2025.

56New Iran Law Accelerating Enrichment, IRAN Primer (7 December 2020), https://iranprimer.usip.org/blog/2020/dec/07/new-iran-law-accelerating-enrichment. Accessed on 10.06.2025.

commitments of JCPOA was actually decreased.[57]

Iran has produced metallic uranium and enriched it to a level of 60%. Iran's activities were considered irreversible (Grossi, 2024). In March 2023, Iran committed to cooperate with a UN investigation into traces of uranium at undeclared sites and to reinstall monitoring equipment. After two months, the IAEA began reinstalling monitoring cameras at Iranian nuclear sites.

The level of enriched uranium declared by the IAEA had decreased slightly (IAEA, 2021; Grossi, 2021a; Grossi, 2021b; Grossi, 2021c; Grossi, 2021d; Grossi, 2022a; Grossi, 2022b).

57Joint Statement by the Vice-President and the Head of Atomic Energy Organization of the Islamic Republic of Iran and the Director General of the International Atomic Energy Agency. International Atomic Energy Agency (21 September 2021), https://www.iaea.org/newscenter/pressreleases/joint-statement-by-the-vice-president-and-the-head-of-atomic-energy-organization-of-the-islamic-republic-of-iran-and-the-director-general-of-the-international-atomic-energy-agency. Accessed on 10.06.2025; Joint Statement by HE Mr Mohammad Eslami, Vice- President and President of the Atomic Energy Organization of Iran, op. cit.

Attempts to revive the JCPOA and the existing legal framework

Iran informed the IAEA in February 2021 that it had not implemented the voluntary transparency measures foreseen. Iran has violated some agreements (Davenport, 2021a)[58] such as JCPOA, the related provisions of the additional protocol and the

58The Hague Code of Conduct (HCOC), Center for Arms Control and non-Proliferatio: https://armscontrolcenter.org/wp-content/uploads/2019/12/HCOC-new.pdf. Accessed on 10.06.2025; International Code of Conduct Against Ballistic Missile Proliferation (ICOC). Arms Control Association: https://www.armscontrol.org/treaties/international-code-of-conduct-against-ballistic-missile-proliferation#:~:text=The%20Code%20is%20only%20an,in%20nonproliferation%20of%20these%20missiles.Accessed on 10.06.2025; Bureau of International Security and Nonproliferation, Hague Code of Conduct Against Ballistic Missile Proliferation (HCOC), U.S. Department of State: https://www.state.gov/hague-code-of-conduct-against-ballistic-missile-proliferation-hcoc. Accessed on 10.06.2025; List of HCOC Subscribing States. Hague Code of Conduct (January 2024), https://www.hcoc.at/subscribing-states/list-of-hcoc-subscribing-states.html. Accessed on 10.06.2025.

subsidiary agreements of the Iran Safeguards Agreement (Davenport, 2021b; The Editors, 2023; Davenport, 2023a; Davenport, 2023b, Davenport, 2024b).[59]

Iran has also violated its obligations under the NPT which it withdrew from the relevant agreement (Carrel-Billiard, Wing,

59New Iran Law, op. cit., Iran and the Additional Protocol, op. cit., Safeguards Agreement with Iran: Quad Statement to the International Atomic Energy Agency, November 2023, Foreign, Commonwealth & Development Office (23 November 2023), https://www.gov.uk/government/speeches/safeguards-agreement-with-iran-e3-statement-to-the-international-atomic-energy-agency-nov-2023.Accessed on 10.06.2025; IAEA Board of Governors, September 2023 Joint Statement on NPT Safeguards Agreement with Iran, U.S. Virtual Embassy IRAN (14 September 2023), https://ir.usembassy.gov/iaea-board-of-governors-september-2023-joint-statement/#:~:text=Iran%20must%20provid%20technically%20credible,to%20its%20Uranium%20Conversion%20Facility. Accessed on 10.06.2025. Monitoring Iran's Nuclear Activities: NPT and JCPOA Requirements. Arms Control Association (February 2022), https://www.armscontrol.org/sites/default/files/files/Reports/ACA_JCPOA-Monitoring_FactSheet-Feb2022.pdf. Accessed on 10.06.2025.

2010; Singh, 2021).[60] In 2023, France, US, UK expressed their concerns about this (Joyner, 2015).[61]

In 2019, the Congress introduced several pieces of legislation related to Iran's nuclear program. It was, therefore, the Senate that introduced a resolution opposing the lifting of sanctions that were imposed on Iran.[62]

60Letter from Michael T. McCaul, Chairman, U.S. House of Representatives Comm. on Foreign Affairs, to Antony Blinken, Sec'y of State (1 March 2024), https://foreignaffairs.house.gov/wp-content/uploads/2024/03/IRAN-IAEA-Letter-Formatted_v3-FINAL-9-AM.pdf. Accessed on 10.06.2025.

61UNSC Resolution 2231: Joint Statement on Behalf of France, Germany and United Kingdom. Permanent Mission of France to the U.N. in New York (18 December 2023), https://onu.delegfrance.org/we-remain-determined-that-iran-must-never-develop-a-nuclear-weapon.Accessed on 10.06.2025; Office of Press and Public Diplomacy, Statement by Ambassador Linda Thomas-Greenfield on the UNSCR 2231 Report, U.S. Mission to the U.N. (6 July 2023), https://usun.usmission.gov/statement-by-ambassador-linda-thomas-greenfield-on-the-unscr-2231-report. Accessed on 10.06.2025.

62S.R. 125, 116th Congress (2019).

In 2021, the chambers of Congress introduced pieces of legislation that directly addressed Iran's nuclear activities.[63] The House of Representatives introduced a resolution in 2022 asking the President to transmit copies of every document that was related to negotiations for Iran's nuclear program.[64]

In 2023, both chambers introduced three resolutions related to Iran's nuclear program.[65] These were Iranian efforts regarding the nuclear program that demonstrate the ineffectiveness of unilateral

63Iran in 2021: Congressional Bills, IRAN Primer (31 December 2021), https://iranprimer.usip.org/blog/2021/dec/15/iran-2021-Congressional-bills.Accessed on 10.06.2025; S. 2030, 117th Congress (2021); H.R. 214, 117th Congress (2021); H.R. 1479, 117th Cong. (2021); S. 1205, 117th Congress (2021); H.R. 1203, 117th Congress (2021); S.R. 31, 117th Congress (2021).

64H.R. 1266, 117th Cong. (2022).

65Iran in 2023: Congressional Actions, IRAN Primer (5 July 2023), https://iranprimer.usip.org/index.php/blog/2023/feb/15/iran-2023-Congressional-legislation. Accessed on 10.06.2025; H.R. 559, 118th Congress (2023); S. 1981, 118th Cong. (2023); S. 256, 118th Congress (2023).

initiatives that have violated, suspended multilateral frameworks and a similar agreement.

Within this framework, the President Biden has sought to restore a nuclear agreement (Singh, 2021; Tam, 2022; White House, 2022a).

In September 2020, Biden highlighted that Iran was returning to the nuclear deal and the US was rejoining the deal as a starting point for the negotiations that followed (Smeltz, Farmanesh, Helm, 2021).[66]

In reality, the Biden administration wanted to resume negotiations with the P5+1 on the Iranian nuclear program

66Joe Biden, Joe Biden: There's a Smarter Way to be Tough on Iran, CNN (13 September 2020), https://www.cnn.com/2020/09/13/opinions/smarter-way-to-be-tough-on-iran-joe-biden/index.html.Accessed on 10.06.2025; Rejoining the JCPOA, Center for Arms Control and Non-Proliferation: https://armscontrolcenter.org/factsheets/rejoining-the-jcpoa. Accessed on 10.06.2025. "(…) half of Americans supported U.S. participation in the JCPOA and 51% of Iranians approve of the JCPOA (…) highest percentage of Iranians supporting the JCPOA since May 2019, although lower than levels of support in 2016-2017 (…)".

(White House, 2021).

In the spring 2021, the Biden administration highlighted that negotiations and discussions were ongoing. In reality, it was a come back of JCPOA. In 2023, the US Secretary of State affirmed the agreement with Iran (Blinken, 2023).[67]

The question that arose at this point was: why was it important to resolve this issue? Perhaps because the nuclear adversary was not only one but many. Since 1979 the Islamic revolution forced the

67High Time for U.S. to Wake Up to New Reality: Iranian Foreign Ministry. Tehran Times (25 September 2021): https://www.tehrantimes.com/news/465452/High-time-for-U-S-to-wake-up-to-new-reality-Iranian-Foreign. Accessed on 10.06.2025; Year One: Raisi on the Nuclear Deal, IRAN Primer (21 September 2022), https://iranprimer.usip.org/blog/2022/sep/14/year-one-raisi-nuclear-deal.Accessed on 10.06.2025; Dr. Hossein Amir-Abdollahian, Islamic Republic of Iran Ministry of Foreign Affairs: https://en.mfa.gov.ir/portal/organizationpersoninfo/33618. Accessed on 10.06.2025; Ned Price, Department Press Briefing-16 August 2022, Department of State (16 August 2022), https://www.state.gov/briefings/department-press-briefing-august-16-2022. Accessed on 10.06.2025;

Shah who at the time was close to American politics and ideology to put an end to the installation of Ayatollah Khomeini, who could be removed from his power.[68]

A few months later Iranian students seized the American embassy in Tehran and took Americans hostage. Hostages who were

68Fact Sheet: Protests in Iran 1979-2023, IRAN Prrimer (30 May 2023), https://iranprimer.usip.org/index.php/blog/2019/dec/05/fact-sheet-protests-iran-1999-2019-0.Accessed on 10.06.2025; Office of the Historian, The Iranian Hostage Crisis, Department of State: https://history.state.gov/departmenthistory/short-history/iraniancrises.Accessed on 10.06.2025. Iran Military Power, op. cit.,: "(…) the Islamic Republic was established, U.S. and Iranian ties had faltered (…) United States helped organize a coup against elected Prime Minister Mohammad Mossadegh after he nationalized the Iranian oil industry (…) U.S. guided-missile frigate-the USS Samuel B. Roberts-"struck an Iranian mine in the Persian Gulf (…) resulting in severe damage" and led to Operation Praying Mantis in which the U.S. "[sunk] several Iranian vessels (…) Iran Air Flight 655 [was] shot down by [the] USS Vincennes (…)". Office of the Historian, op. cit., par. 328. Foreign Relations of the United States, 1952-1954, Iran, 1951-1954: Document 328, Department of State: https://history.state.gov/historicaldocuments/frus1951-54Iran/d328.

released in 1981. During this period the US broke off diplomatic relations with Iran. It was a time of enormous tension between the US and Tehran since they never re-established any other ties.[69] This time US considered Iran as an adversary (Eisenstadt, Knights, 2012; Yousef, Aboueldahab, Ghafar, Zoubir, 2020;

Accessed on 10.06.2025; Office of the Historian, Foreign Relations of the United States, 1952-1954, Iran, 1951-1954: Document 65, Department of State, https://history.state.gov/historicaldocuments/frus1951-54Iran/d65. Accessed on 10.06.2025; USS Samuel B. Roberts (FFG-58), National Museum of the U.S. Navy, https://www.history.navy.mil/content/history/museums/nmusn/explore/photography/ships-us/ships-usn-s/uss-samuel-broberts-ffg-58.html. Accessed on 10.06.2025; Iran Military Power, op. cit.

69Office of the Historian, A Guide to the United States' History of Recognition, Diplomatic, and Consular Relations, by Country, Since 1776: Iran. Department of State, https://history.state.gov/countries/iran?_gl=1*jc11ee*_gcl_au*ODMzMzMyODM5LjE3MDkxNDQ3NDA. Accessed on 10.06.2025; Bureau of Near Eastern Affairs, U.S. Relations with Iran, U.S. Department of State (1 April 2022), https://www.state.gov/u-s-relations-with-iran. Accessed on 10.06.2025.

White House, 2022b).[70]

The Road to Escalation between Iran and US

Tensions between Iran and US have started and lasted for many years. It is remembered the multilateral agreement that regulated the Iranian nuclear program that probably tried to reduce the bilateral tensions between these two countries. Since 1983 the tensions have increased given the attack of Hezbollah group that was supported by Iran and killed more than 200 American soldiers (Blinken, 2023; Feltman, Huggard, 2023). Iran was also

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702022 National Defense Strategy of the United States of America, U.S. Department of Defense, https://media.defense.gov/2022/Oct/27/2003103845/-1/-1/1/2022-NATIONAL-DEFENSE-STRATEGY-NPR-MDR.PDF.Accessed on 10.06.2025; Office of the Historian, The Cuban Missile Crisis, October 1962. Department of State: https://history.state.gov/milestones/1961-1968/cuban-missile-crisis.Accessed on 10.06.2025; Nuclear Non proliferation, U.S. Government Acountability Office: https://www.gao.gov/nuclear-nonproliferation. Accessed on 10.06.2025.

linked after the 1996 attack against the Khobar towers in Saudi Arabia that killed 20 American soldiers and injured more than 300 American citizens (CNN, 2001; South, 2020). A continuing reflection of previous incidents from JCPOA that was not comparable due to the number and frequency of events occurred after the participation of the US in the JCPOA (Kirby, 2019; Associated press, 2020). The US, then, blamed Iran between May and December of 2019.[71] The ongoing tensions continued mainly due to sanctions against Iran and additional forces that arrived from US in the Iranian region. These are events that led to a continuous US attack on IRGC Qods Force commander Qasem Soleimani during an Iranian missile attack and against US forces

71Outlaw Regime: A Chronicle of Iran's Destructive Activities. Department of State (2020), HTTPs://www.state.gov/wp-content/uploads/2020/09/Outlaw-Regime-2020-A-Chronicle-of-Irans-Destabilizing-Activity.pdf.Accessed on 10.06.2025. Press Release, U.S. Forces Strike Kataib Hezbollah Capabilities in Iraq, Centcom (23 January 2024), https://www.centcom.mil/MEDIA/PRESS-RELEASES/Press-Release-View/Article/3653726/us-forces-strike-kataib-hezbollah-capabilities-in-iraq Accessed on 10.06.2025.

in Iraq (Schwartz, 2020; Blanchard, 2023).

Both sides continued to attack each other (White House, 2022c; Knights, Smith, 2022; Knights, 2022; Knights, Al-Kaabi, Malik, 2023; Clark, 2024; Tabler, 2024; Blanchard, 2024; White House, 2024a; White House, 2024b)[72] until June of 2025 when the "12-

72Bureau of Counterterrorism, Country Reports on Terrorism 2020: Iraq, U.S. Department of State: https://www.state.gov/reports/country-reports-on-terrorism-2020/iraq.Accessed on 10.06.2025; Press Release, CENTCOM Forces Respond to Attempted Coordinated Rocket Attacks at Conoco, Green Village Bases in Northeast Syria, CENTCOM (24 August 2022), https://www.centcom.mil/MEDIA/PRESS-RELEASES/Press-Release-View/Article/3138816/centcom-forces-respond-to-attempted-coordinated-rocket-attacks-at-conoco-green. Accessed on 10.06.2025; U.S. Vows to Support Iraq and Regional Partners After Attack by Iran, Axios (14 March 2022), https://www.axios.com/2022/03/14/iran-attack-us-offers-iraq-regional-partners-support. Accessed on 10.06.2025; Press Office, Statement by the Department of Defense on Defensive Airstrikes in the Iraq-Syria Border Region, NAVY (27 June 2021), https://www.navy.mil/Press-Office/Statements/display-statements/Article/2672884/statement-by-the-department-of-defense-on-defensive-airstrikes-in-the-iraq-syri.Accessed on 10.06.2025; Bureau of Counterterrorism,

day war" broke out. President Trump bombed bases that the US Pentagon claimed were hiding enriched uranium. In response, Iran bombed other nearby regions as well as states that had US bases.

This situation shows the indirect effects of an agreement on strengthening bilateral relations between the two countries. The reduction of American sanctions and limitations on the Iranian nuclear program has provided both parties with a reduction to the minimum of the tensions.

At this point we can speak of an escalation with regional dynamics that demonstrates the need to reduce tensions related to the Iranian nuclear program (Al Jazeera, 2024; Fabian, 2024). It seems that in the region tensions between Israel and Hamas and Hezbollah and Iran have increased since October of 2023 (Al Jazeera, 2024a; Al-Jazeera, 2024b; Singh, Levitt, 2024;

Country Reports on Terrorism 2021: Iraq, U.S. Department of State, https://www.state.gov/reports/country-reports-on-terrorism-2021/iraq#:~:text=2021%20Terrorist%20Incidents%3A%20Terrorists%20conducted,against%20U.S.%20interests%20in%20Iraq.Accessed on 10.06.2025.

Gambrell, 2024).

Regionalism as a point of evolution and the de-escalation of tensions also leads to particular risks of unprecedented conflicts (Cohen, Johnson, Thaler, 2017; Chehayeb, 2021; Schenker, 2023; Al-Kaabi, Knights, 2023; Schenker, 2023; Tabler, 2024). Perhaps an incident could create a lateral conflict of a war with effects not only regional but global as well as the issue of nuclear weapons that make one's concern very acute.

Adversely, the conclusion of an agreement leaves many questions unanswered. Was Iran willing to conclude a new agreement and/or to remain with the diplomatic attempts of the past? In our opinion, Iran is still a country like all the others that can conclude an agreement if it is based on the idea of a casting group. One does not go against the other and the arguments according to Iran have consequences for the participation in a new nuclear agreement with the US.

It seems doubtful and creates confusion and discussion in the international area the role of a state to be part of a casting group at a global level. In this way, the disobedients are implicated and

denied the benefits of the social cooperation to which they belong. To be part of a casting, at an international level, is very difficult for a group of countries also because problems arise concerning their participation in international organizations.

In reality, this creates different scenarios, such as for example that: states participate actively in international organizations, therefore they are part of the casting group; - states are not denied participation in international organizations and are marginalized. Remaining within a casting group is a hypothesis that also influences the states to be part of an international organization.

Iran does not violate its commitment. This, therefore, does not necessarily mean that other states are actively seeking to involve Iran in an international organization. If, on the other hand, Iran participates in an international organization and violates a commitment that was previously agreed upon, it puts Iran in the position of being excluded as a member of this organization. And if Iran has agreed to remain, this does not mean that other states are seeking greater cooperation with Iran through and outside the

organization.

It is argued that being part of a group shows that states have the ability to be marginalized in a way to be neutral. States have the desire to participate in international organizations, thus providing an example of not being marginalized. This does not amount to political entrapment.

Iran has not actively integrated itself into other states and/or participated in international organizations because of ideological differences. Iran thus takes an identifiable but also neutral position without seeking maximum levels of cooperation and integration with other states (Matthews, 2022). And if Iran participates in certain organizations it does not mean that it violates other regulatory frameworks. At the same time it does not aspire to maximum levels of cooperation thus pursuing a new type of participation. Non-exclusion does not positively create relations with other states and organizations (Gaspar, Hagan, Obstfeld, 2018)

Bringing Iran out of isolation

Iran has been distanced and isolated as a country from the middle east and other countries since 1979. When a country is in the stage of isolation it is possible to commit illegal actions as well as do sensational things to gain global attention. In fact, the diplomatic position of Iran was that of a distinct isolation (Maloney, 2001; Brumberg, 2013; Allaldin, 2020). Perhaps it was trying to get out because it wanted to use nuclear weapons and ballistic missiles. Iranian isolation obviously persists to this day (Safi, 2023).

In 2022, Iran has occasionally published responses to various protests it received worldwide (Khaled, 2022; Human Rights Watch, 2023). In March 2023, Ayatollah Khamenei highlighted the attempts of Western countries to isolate Iran (Middle East Monitor, 2023).

This statement suggests that Iran does not want to be marginalized anymore, thus demonstrating that it does not want to be denied its benefit and to be considered responsible and legally compliant international player in the international arena

(Motamedi, 2022).

A non-marginalized country shows and receives inclusion from other neighboring countries to participate in projects. Tehran has tried to participate in international organizations, demonstrating a regional diplomatic push in accordance with Art. 2, par. 4 (Simma, Khan, Paulus, 2024) of JCPOA. Has it tried to limit nuclear weapons in theory and/or also in practice? (Boltuc, 2023).

Joining multilateral organizations

Iran has become a member of the Shanghai Cooperative Organization (SCO) since June 2023 (Grajewski, 2022; Eftekhari, 2023; Voice of America, 2023). This is the first time that Tehran has joined a regional pact since the 1979 revolution and the establishment of the Islamic Republic (Iran International, 2023).

Iran has officially become a member of the BRICS economic organization that was led by China (Reuters, 2023; Du Plessis, Miridzhanian, Acharya, 2023; Shokri, 2024). A group that has

developed a common position on regional problems, such as the Iranian nuclear program. Iran has also sought to increase its participation in international organizations after the conclusion of JCPOA.

The agreement with Iran and world powers is part of an implementation that deserves and gives hope to Iran to be able to realize long-standing desires, namely to join the World Trade Organization (Balikhani, 2017).

Already in 2005 US allowed to proceed and continue nuclear negotiations with Iran (Carnegie, 2015).

Iran was interested in joining multilateral organizations that required at least international coordination that has binding commitments and shows that Iran is receptive to new multilateral agreements, namely a nuclear program that required greater commitments from SCO and BRICS.

Iran showed that it wanted to seek greater integration and cooperation with other states in addition to a neutral level of commitment. Iran was not susceptible to marginalization but to the desire to see itself as a member in other organizations.

Bilateral efforts and attempts of a diplomatic nature

Iran wants to be part of a group of countries and shows its interest in joining international organizations and organizations that also involve predominantly non-Western countries, not aligned with the West (Heiran-Nia, 2023). Thus, the involvement of SCO is invoked, as a means that legitimizes a government policy that looks towards the East.

Iran is expanding ties with a part of the international community that seeks to mitigate its economic and diplomatic isolation by showing that it is internationally compliant with its multilateral commitments by also establishing binding relations. The attempt of Iran to expand ties with the allies of US has been criticized. Iran is pursuing a greater effort to improve its relations with countries such as Africa, Asia, Latin America and Europe.

Iran has sought, also, to improve relations with the United Arab Emirates, Bahrain, Kuwait, all of which are allied with the US and actually host American armed forces (Grossi, 2022; Jacobs, 2022; Yeranian, 2022; Motamedi, 2023; Reuters, 2023; Cafiero,

2024; Cradle, 2024; Ramezani Bonesh, 2025).[73]

The success of these relations with various countries has brought relative optimism. The same happens between Iran and Turkey which was allied with the US and NATO (Joobani, 2022).

The aims and objectives of Iran the last years follow dual paths and positions. Iran has considered relations with neighboring countries as a way of progress simultaneously with relations with the US (Mubarak, 2023; Iran International, 2023).

These are countries that have ties with Iran and with the US. They were able to dispose and thus contribute to the management

73Naval Support Activity Bahrain, History, NAVY, https://cnreurafcent.cnic.navy.mil/Installations/NSA-Bahrain/About/History.Accessed on 10.06.2025; Security Alert: Threats Made on Social Media Against U.S. Military Bases in Kuwait, U.S. Embassy in Kuwait (25 October 2023), https://kw.usembassy.gov/security-alert. Accessed on 10.06.2025; U.S. Embassy in Oman, Our Relationship, Department of State, https://om.usembassy.gov/our-relationship/#:~:text=Th%20United%20States%20and%20Oman,and%20an%20Arab%20Gulf%20state. Accessed on 10.06.2025; Qatar, U.S. Department of State: https://www.state.gov/countries-areas/qatar. Accessed on 10.06.2025.

of issues between both parties as well as to credibly encourage the resolution of disputes.

The efforts were always many as Iran has tried to strengthen ties with countries within the international community. Iran was exclusively focused on developing ties with specific states in the international chessboard such as Russia and China.

Reducing attacks during the JCPOA

Perhaps the implementation period of the project of JCPOA was a step towards these tensions that are committed and happened at various multilevels without looking at the violation of Art. 2, par. 4 of the UN (Simma, Khan, Paulus, 2024). American military forces and bases abroad represent an extension of American sovereignty (Fleck, 2003; Yeo, 2014; Voetelink, 2019).[74]

74International Security Advisory Board, Report on Status of Forces Agreements, Department of State (16 January 2015), https://2009-2017.state.gov/documents/organization/236456.pdf. Accessed on 10.06.2025; Johnson v. Eisentrager, 339 U.S. 763, 780 (1950); Boumediene v. Bush, 553 U.S. 723, 754 (2008).

The continuous threats, attacks against American forces abroad and/or countries neighboring Iran are discussed and are part of Art. 2, par. 4 of the UN as a use of force and territorial integrity to a state that consistently stands next to the objectives of the UN, including also the maintenance of international peace and security. Reducing attacks between the US and Iran and its affiliates, through US participation in the JCPOA, shows Iran's participation in a multilateral agreement that has respected another legal framework.

What limits are imposed on the nuclear program?

Iran, as we understand, has voluntarily complied with JCPOA for a period of time following the participation and cessation of the US in it. It was the 2024 that IAEA reported to Iran that it had to adopt some limits, that is, to reduce its level of enriched uranium up to 60% (Landale, 2024).[75]

An attempt that seemed insignificant given that the enriched uranium stockpiles of Iran continue to increase for the IAEA

75IAEA Board of Governors on the JCPOA, March 2024, op. cit.

despite the difficulties in obtaining relative access to Iran during the inspection control.

These are, therefore, cases that have signaled the commitment of Iran in receiving the integration roads. Iran seemed so reluctant to participate in the JCPOA.

Strengthening INARA

The Iran Nuclear Agreement Review Act (INARA) of 2015 effectively represents an exercise to US Congress to increase oversight and participation in an Iranian nuclear deal as well as a reimposition of sanctions. The INARA amendments have helped the US and Iran overcome several challenges in concluding a new agreement (White House, 2018; U.S News, 2023).[76]

76US News affirmed that: "(…) INARA would help prevent presidents from quickly and easily reversing U.S. participation in a nuclear agreement in the first place. Furthermore, President Trump previously alluded to potential interest in an agreement with Iran (…) constructive deal could easily have been struck at the time (…)".

Each administration has sought to renew a nuclear deal with Iran that has had to address trust issues. One of the significant aspects of the JCPOA was the participation of Russia and China in it as well as their cooperation with Iran on nuclear activities. These countries have vetoed the resolutions of the Security Council in this regard (Nichols, 2023).

Russia and China have also forced the INARA amendments to participate in negotiations for a new renewed agreement in the knowledge that it will be long-term and effective.

The US considered the JCPOA to be a non-binding political agreement. This is a non-binding agreement that the president has the binding authority to undertake withdrawal from commitments without involving the Congress.

Non-binding agreements are not enforced in domestic and/or international courts. There are indicators of congressional authority over a presidential termination of US participation in a non-binding Iranian nuclear deal. President's authority to impose other sanctions is delegated by the Congress thus recognizing its authority within the ambit of INARA (Koh, 2018).

The JCPOA is for the president the conclusion of a non-binding political commitment within the exclusive scope of his powers. He is also exercising delegated powers of Congress on foreign trade to adjust sanctions. And it is the same American constitution that grants the Congress with authority in matters of foreign trade for economic sanctions.

The Congress has granted the president the authority to specify the waiver of sanctions against Iran thus determining the national interest and its commitment as a state abroad (Koh, 2018).[77]

77Countering America's Adversaries Through Sanctions Act, Pub. L. No. 115-44, § 112, 131 Stat. 886 (2017); Office of Foreign Assets Control, Iran Sanctions, U.S. Department of the Treasury, https://ofac.treasury.gov/sanctions-programs-and-country-information/iran-sanctions. Accessed on 10.05.2025; Office of Foreign Assets Control, Countering America's Adversaries Through Sanctions Act-Related Sanctions, U.S. Department of the Treasury: https://ofac.treasury.gov/sanctions-programs-and-country-information/countering-americas-adversaries-through-sanctions-act-related-sanctions#:~:text=On%20August%202%2C%202017%2C%20the,%2C%20Russia%2C%20an%20North%20Korea. Accessed on 10.05.2025; 50 U.S.C. §§ 1701-1706 (2018).

The Congress could refuse to overturn legislation supporting thus participation in the agreement and enacting legislation that achieves the same objectives by reimposing even more severe and more precise sanctions.

The Congress undoubtedly revokes its delegation to use its power in the field of foreign trade and to also refuse to impose economic sanctions on Iran despite the decision of Iran and Trump to withdraw.

The Congress could completely revoke the statutory rights of the president to lift sanctions in a context that calls for his presidential commitment withdrawing from the same agreement only in accordance with procedures that are also prescribed by it.

The Congress can implicitly recognize the constitutional authority with the approval of INARA which shows that JCPOA is not a typical non-binding political example for the president who signs and withdraws without its involvement. Through INARA the Congress has the authority to disapprove any nuclear agreement with Iran. It has also the authority to reimpose

sanctions on Iran[78].

In theory, the Congress has the authority not to impose sanctions even if the president determines that Iran is not in compliance with a nuclear agreement.

INARA amends and allows the Congress to disapprove the termination of the US participation in the agreement.[79]It is a consistent provision that revises an agreement by the Congress and by the part of INARA with the option of the Congress not to impose sanctions on Iran even if Iran determines that it is in breach. This new provision thus constitutes an extension to the authority of the Congress that is outlined by INARA.

The Congress is not able to completely revoke the President's statutory right to waive his own sanctions. This is a mechanism that establishes the Countering America's Adversaries Through

78Iran Nuclear Agreement Review Act of 2015, Pub. L. No. 114-17, 129 Stat. 201 (codified in 42 U.S.C. § 2011 note and 42 U.S.C. § 2160e); S. Res. 615, 114th. Congress (2015).

79Iran Nuclear Agreement Review Act of 2015, Pub. L. No. 114-17, 129 Stat. 201 (codified in 42 U.S.C. § 2011 note and 42 U.S.C. § 2160e); S. Res. 615, 114th. Congress (2015).

Sanctions Act (CAATSA).

The INARA through the President's ability to revoke his own sanctions certifies compliance with nuclear agreements by other countries that respect and review the committees of the Congress.[80] The Congress will be able to claim a constitutional right to participate in any final decision to withdraw from the Iranian nuclear agreement (Koh, 2024), as a position relative to the INARA that thus provides a content of this type of mechanism.

The congressional review of presidential actions often seeks to revoke and impose sanctions that violate the prohibition on legislative vetoes that are provided for in the INS v. Chadha case (Koh, 2024).[81]

In the measure of INARA and CAATSA, the Chadha case has effectively eliminated all legislative vetoes (Fisher, 1993;

80Countering America's Adversaries Through Sanctions Act, Pub. L. No. 115-44, § 112, 131 Stat. 886 (2017); Iran Nuclear Agreement Review Act of 2015, Pub. L. No. 114-17, 129 Stat. 201 (codified in 42 U.S.C. § 2011 note and 42 U.S.C. § 2160e); S. Res. 615, 114th. Cong. (2015).

81I.N.S. v. Chadha, 462 U.S. 919, 921 (1983).

Bradley, 2021).

The measures of CAATSA, INARA have sought congressional review framing as well as in the Chadha case that the court established the presentation and bicameralism, as necessary actions for the exercise of legislative power by the president.[82] These are cases that sought to revoke sanctions as well as to reinstate them (Bradley, 2021).[83]

82N.S. v. Chadha, 462 U.S. 919, 952, 956 (1983).

83Bradley affirmed that: "(…) consistent with a post-Chadha work around: "Congress famously used a report-and-wait approach in response to President Obama's proposed nuclear deal with Iran, pursuant to which Iran agreed to freeze its nuclear weapons program in return for a relaxation of sanctions (…) Congress mandated that the deal would not take effect for sixty days while Congress had an opportunity to review and potentially disapprove it by statute. INARA was novel in applying the report-and-wait approach to a purportedly non-binding agreement, but the approach itself was not novel (…) amendment to INARA would similarly enable the president to notify Congress that he seeks to impose or waive sanctions on Iran (…) both houses of Congress could enact legislation, thus not violating Chadha (…)".

Both houses of Congress took action contrary to the intentions of the president. The Congress decided to lift the sanctions when the president tried to reinstate them.

The Congress did not issue a related legislative veto in response to the exercise of legislative power. An oversight by Congress on the termination of the participation of the US in a nuclear agreement through INARA attributed positive characteristics to binding agreements but also to the non-binding agreement.

An amendment of INARA gives the US the flexibility of a non-binding political agreement with the confidence of a legally binding agreement. It is encouraged that Iran respected with precise and perhaps scrupulous manner its commitments.

Domestic restrictions are an effective way to ensure compliance with the US. Security Council Resolution 2231 questionably imposed obligations that were deemed internationally binding on the participants of JCPOA. It is not clear whether the US considered these obligations to be self-executing (Liakopoulos, 2020).[84]

84Medellin v. Texas, 552 U.S. 491 (2008); Avena and Other Mexican

The US willingness to comply with international law and international repercussions seem less clear given the implementation of domestic and international restrictions that are strong indicators in the use of US. This proposal essentially calls for the relative implementation of a principle as a mirror within a specific agreement. The Congress disapproves the agreement preventing thus the reimposition of sanctions in Iran (Meltzer, 2017).[85]

This supports efforts to limit the president's ability to withdraw from his own international agreements as treaties without approval from the Senate. An amendment that is also noted in INARA that is consistent with the efforts of the Congress to assert a check on the revocation of presidential agreements. It is feasible the proposed amendment of INARA towards a policy favorable to a new Iranian nuclear agreement (Rod, 2023) thus affirming the agreement for those who seek to limit the behavior

Nationals (Mex. v. U.S.) Judgment, 2004 I.C.J. 12 (31 March).

85Countering America's Adversaries Through Sanctions Act, Pub. L. No. 115-44, § 112, 131 Stat. 886 (2017).

of Iran on the nuclear issue.

Seeking to amend INARA allows Congress to reassert its authority broadly within the foreign policy context. In the current system, the legislature has evolved in such a way that the president retains significant authority in matters of national security through statutory delegation (Hathaway, 2009).

The president was authorized and Congress complied (Koh, 1988). It is important to examine the statutes that delegate the authority of Congress to the President. This has created an imbalance of power in the making of international law, as is the case with INARA.

Conclusion

From what we have investigated in the previous paragraphs it seems that the nuclear passage in Iran is a very complicated situation.

A new agreement is essential to alleviate the related concerns regarding the Iranian program as well as to restore the balance of relations between Iran and the US, thus also reducing tensions in

the Middle East. It is also important to highlight that Iran has demonstrated its receptivity by giving its willingness to conclude a new agreement with the US, a non-political, non-binding but dynamic agreement to represent its commitment to the partners of the agreement.

The Congress has amended INARA to increase its prestige by the cessation of participation of the US in the nuclear agreement with Iran. The amendments of INARA can have broad implications on the authority of the President and the conclusion of non-binding political agreements. The Congress should evaluate and thus reaffirm its role in foreign affairs increasing its authority to the withdrawal of the US from non-binding political agreements.

Finding a sustainable approach to the Iranian nuclear program has to do with a model of future American agreements with China, Russia and North Korea in nuclear issues (Wakefield, Hathaway, 2010; Tod Lopez, 2019; Talmadge, 2019).

The commitment of US was the last years towards the world to give a responsible management of its nuclear arsenal to continue working final goals to a world without nuclear weapons. US

wanted to keep a promise that depended on its ability to conclude agreements with other states on nuclear issues.

Changes were proposed by INARA. This demonstrates the way to conclude an effective nuclear agreement with other countries. A practical way is found for the Iranian nuclear program that thus heralds success. Being part of an international group and organization means that it provides the US and other countries with an instrument able to influence the behavior of states internationally towards the path of greater integration and respect for international law.

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